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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91252969
Party	Defendant Johnny K. Wang
Correspondence Address	JOHNNY K. WANG 2790 19TH AVE #13 SAN FRANCISCO, CA 94132 johnny@darkgrey.com no phone number provided
Submission	Answer
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Signature	/Johnny Wang/
Date	01/21/2020
Attachments	Answer.pdf(75857 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 88/533,955
For the Mark “PATXI’S” in International Class 043
Published in the Official Gazette on November 19, 2019

PATXI’S LIMITED,

Opposer,

v.

JOHNNY K. WANG,

Applicant.

ANSWER

Applicant JOHNNY K. WANG hereby answers the Notice of Opposition filed by Patxi’s Limited. To the extent not explicitly admitted, all allegations in the Opposition are denied.

1. Applicant admits the allegations in paragraph 1.
2. Applicant lacks information sufficient to admit or deny the allegations in paragraph 2, and on that basis denies the allegations. Applicant notes that Opposer has never owned any federal trademark for “PATXI’S” or any related mark.
3. Applicant admits the allegations in paragraph 3.
4. Applicant lacks information sufficient to admit or deny the allegations in paragraph 4, and on that basis denies the allegations. Applicant notes that Opposer has never owned any federal trademark for “PATXI’S” or any related mark.
5. Applicant denies the allegations in paragraph 5.

6. Applicant admits that its mark is similar to Opposer's mark. Applicant denies the remaining allegations in paragraph 6.

7. Applicant denies the allegations in paragraph 7.

8. Applicant lacks information sufficient to admit or deny the allegations in paragraph 8, and on that basis denies the allegations.

9. Applicant denies the allegations in paragraph 9.

AFFIRMATIVE DEFENSES

Applicant undertakes the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated below. Applicant expressly reserves the right to plead additional affirmative and other defenses should any such defenses be revealed by discovery in this case. As and for its affirmative and other defenses, Applicant states as follows:

First Affirmative Defense

The Notice of Opposition fails to state a claim upon which relief can be granted.

Second Affirmative Defense

There is no likelihood of confusion, mistake, or deception between Opposer's mark and Applicant's mark.

Third Affirmative Defense

Applicant alleges on information and belief that as a result of Opposer's own acts and/or omissions, the Opposition is barred by the doctrine of laches.

Fourth Affirmative Defense

Applicant alleges on information and belief that the Opposition is barred by the doctrine of estoppel.

Fifth Affirmative Defense

Applicant alleges on information and belief that as a result of its own acts and omissions, Opposer has waived any right to pursue its Opposition.

Sixth Affirmative Defense

Applicant alleges on information and belief that the Opposition is barred by the doctrine of acquiescence.

Seventh Affirmative Defense

Applicant alleges on information and belief that the Opposition is barred by the doctrine of unclean hands.

Eighth Affirmative Defense

Any and all acts alleged to have been committed by Applicant were performed with lack of knowledge and lack of willful intent.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed with prejudice, together with whatever other relief the Board may deem appropriate.

Dated: January 20, 2020

By: /Johnny K. Wang/
Johnny K. Wang, Applicant